

REMARKS

Claims 15-21, 23, 25-26, 28-33, and 37-40 remain in this case, no claims being added or cancelled by this response.

Case Status

This amendment after allowance is provided in response to a telephone call from Examiner Phan on April 3, 2007.

On October 4, 2006, Applicant filed a timely reply to a final rejection, rewriting the claims to make them allowable as indicated in the office action. This case received an "Allowance Counted" status on October 12, 2006. Prior to the six-month date for reply to the office action, on December 4, 2006, Applicant's attorney spoke to Examiner's supervisor, and was assured that the response had been timely filed and had been entered, that the "Allowance Counted" status meant that the case would be allowed, but was now under Quality Review. Therefore, this amendment is denoted as an "Amendment after Allowance", this terminology being approved on the advice of the Examiner.

In the telephone call today, the Examiner indicated that the Quality Review had indicated that the claims needed to be revised under section 112, because they contained parenthetical references to equations (i.e. "(4.5)") and to conditions (i.e. "(C1)"), the parentheticals referring to items defined in the specification.

Description of Amendments

Applicant has amended the claims to remove the references to the equations.

In most cases, the equations were already verbally described in the claim, so that no amendment was necessary beyond deleting the parenthetical number - see, for example, claim 15(c), "... a nonlinear system (4.2) ...". In a few cases, where the claim might be unclear after deletion of the parenthetical number, the claim was amended to replace the number by the verbal description from earlier in the claim - see, for example, claim 28, where the beginning of step (a) recites "... of the constrained optimization problem (4.7): ..." and step (a)(iii) is amended to read: "... in (4.7) the constrained optimization problem, and ...".

Similarly, as requested by the Examiner, the parenthetical notations (Cx) in the phrase "conditions (C1) and (C2)" (and other conditions (C1-1), etc.) are replaced by "... required conditions ...". The phrase "required conditions" is found in the specification on page 5, line 23 - it will be understood that this phrase is meant to apply to all of the conditions (C1), etc, which are referred to elsewhere in the specification simply as "conditions".

The removal of the parentheticals required a few minor amendments for grammatical consistency, primarily adding "the" or "said" as required. No change to the claims was intended.


The amendments presented herein are purely for the clerical function of removing parenthetical references which were found unacceptable during the Quality Review and are not made in response to a rejection over prior art. No new matter is introduced, and no change to the scope of the claims is intended or should be implied.

Reconsideration of this case, as amended, is requested.

Conclusion

Applicant believes that all of the claims, as amended, are now patentable over the prior art, and that this case is now in condition for allowance of all claims therein. Such action is thus respectfully requested. If the Examiner disagrees, or believes for any other reason that direct contact with Applicants' attorney would advance the prosecution of the case to finality, he is invited to telephone the undersigned at the number given below.

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